

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 1:22-cv-11669

NORFOLK & DEDHAM MUTUAL FIRE)
INSURANCE COMPANY, as subrogee of)
LTI HARVARD, INC.,)
)
Plaintiff,)
)
v.)
)
BREN-TRONICS, INC., and)
SAFT AMERICA, INC.,)
)
Defendants and Third-Party Plaintiffs,)
)
v.)
)
GALLEY POWER LLC, and)
GALLEY POWER, INC.,)
)
Third-Party Defendants.)

**THIRD-PARTY COMPLAINT OF SAFT AMERICA, INC.
AND DEMAND FOR JURY TRIAL**

COMES NOW Defendant/Third-Party Plaintiff, Saft America, Inc. (“Saft”), through its undersigned counsel, and hereby asserts this Third-Party Complaint against Galley Power LLC and Galley Power, Inc., as follows:

PARTIES

1. Defendant/Third-Party Plaintiff, Saft, is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 850 New Burton Road, Suite 201, Dover, Kent County, Delaware 19904.

2. Third-Party Defendant, Galley Power LLC was a corporation with a principal place of business in Hudson, Massachusetts. Upon information and belief, Galley Power LLC converted into Galley Power, Inc. on or about February 2, 2022.

3. Third-Party Defendant, Galley Power, Inc. is a Massachusetts company with a principal place of business in Hudson, Massachusetts.

4. Plaintiff, Norfolk & Dedham, as subrogee of LTI Harvard, Inc., filed a complaint against the defendants asserting claims for negligence and breach of implied warranty arising out of a fire that allegedly occurred on June 15, 2019, at a property located at 325 Ayer Road, Harvard, Massachusetts 01451 (the Subject Property), resulting in property damage.

5. According to Plaintiff, its insured, LTI Harvard, Inc., leased a suite at the Subject Property to Galley Power LLC.

6. At all times relevant hereto, Galley Power LLC was a battery technology company that offered services including testing of batteries, including by charging and discharging them in a battery test chamber.

7. According to Plaintiff's Complaint, on June 14, 2019, Galley Power LLC began testing two lithium-ion batteries inside a test chamber at Galley Power LLC's leased space at the Subject Property.

8. Plaintiff's Complaint alleges that one of the batteries was designed, manufactured, and/or sold by Saft, and the other battery was designed, manufactured, and/or sold by Bren-Tronics, Inc.

9. Plaintiff's Complaint alleges that at approximately 1:00 a.m. on June 15, 2019, the batteries exploded inside Galley Power LLC's charging and discharging chamber, starting a fire.

10. Plaintiff's Complaint alleges that the fire resulted in \$523,589.65 worth of damages to the Subject Property.

COUNT I
Contribution

11. Defendant/Third-Party Plaintiff, Saft, repeats and reavers the allegations set forth in the previous paragraphs as if fully set forth herein.

12. Saft states that if Plaintiff suffered damages as alleged in the Complaint, which Saft specifically denies, then said damages were caused by the negligence or other wrongful conduct of Galley Power LLC and Galley Power Inc.

13. If Saft should be found liable for the damages allegedly sustained by Plaintiff, then Saft asserts that Galley Power LLC and Galley Power Inc. are also negligent and, thus, Galley Power LLC and Galley Power Inc. are joint tortfeasors.

WHEREFORE, Defendant/Third-Party Plaintiff, Saft America, Inc., demands judgment in its favor against Galley Power LLC and Galley Power Inc., for their *pro rata* share of the entire liability pursuant to G.L. c. 231B, together with interest, costs and attorney's fees and such other relief as this Court deems just and proper.

JURY DEMAND

Defendant/Third-Party Plaintiff, Saft America, Inc., requests a trial by jury on all issues so triable.

By its attorney,

/s/ Paul Michienzie

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*Counsel for Defendant/Third-Party Plaintiff,
Saft America, Inc.*

Dated: November 4, 2022

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that a true and correct paper copy of the foregoing will be sent those indicated as non-registered participants via first class mail, postage prepaid on this the 4th day of November, 2022.

/s/ Paul Michienzie

Paul Michienzie